

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**Region 7 Headquarters**  
**Industrial Site West**  
**Miles City, MT 59301**

**MAY 12, 2004**

**Commission Members Present:** Dan Walker, Chairman; Tim Mulligan, Vice-Chairman; John Lane; Mike Murphy; John Brenden (via speaker telephone).

**Fish, Wildlife & Parks Staff:** Jeff Hagener, Director; FWP Department personnel.

**Guests:** John Halbert, Miles City Star.

**Topics of Discussion:**

1. **Opening - Pledge of Allegiance**
2. **Approval of April 15, 2004 Commission Minutes**
3. **Approval of Commission Expenses through April 31, 2004**
4. **Decision Whether to Reissue Non-Resident Deer Combination Licenses Split from Big Game Combos - Final**
5. **Internet Sales Update – Informational**
6. **Hunter Safety Rule Amendment - Final**
7. **Teton Spring Creek Petition to Withdraw from Preserve - Informational**
8. **Wolf EIS Record of Decision (ROD) Amendment - Endorsement**
9. **2004 Deer, Elk, & Antelope Quotas - Tentative**
10. **Public Opportunity to Address Issues Not Discussed at this Meeting**

**1. Opening - Pledge of Allegiance.** Chairman Dan Walker called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.

**2. Approval of April 15, 2004 Commission Minutes.**

*Action: Lane moved and Murphy seconded the motion to approve the minutes of the April 15, 2004 meeting. Motion carried.*

**3. Approval of Commission Expenses through April 31, 2004.**

*Action: Lane moved and Mulligan seconded the motion to approve the April, 2004 Commission expenses as presented. Motion carried.*

**4. Decision Whether to Reissue Non-Resident Deer Combination Licenses Split from the Big Game Combos – Final.** Hank Worsech, FWP License Bureau Chief, explained that when non-residents apply for big game combination licenses, they can choose to separate the deer licenses out and apply for an elk combination license only. This year, 1,816 deer licenses were separated in this manner.

The combination license annual rule, passed by the Commission in November of 2003, defines the process for reissuing deer licenses among the general public, the landowners, and outfitters. The landowner category has generally been the recipient of reissuance, with some allocated to the general public. None have previously been allocated to the outfitters as the target quota has either already been met or is in the process of being met.

This year, there are 76 eligible landowners with 132 licenses available. Twenty-four landowners were delinquent in submitting their reports, but may be eligible for two licenses each. There are 726 licenses available in the general category. Walker stated there is revenue potential, and he urged expanding the target. Worsech stated that the Department has more licenses to offer, however the law dictates how FWP distributes them. Murphy asked how the numbers compare with last year, to which Worsech replied they are up.

*Action: Murphy moved and Lane seconded the motion to reissue 180 separated deer licenses to nonresidents in the landowner-sponsored category, and 726 separated deer licenses to non-residents in the general category. Motion carried.*

**5. Internet Sales Update – Informational.** Hank Worsech, FWP License Bureau Chief, said this is the first year moose, sheep and goat licenses were available via the internet for application. The Department received 5,985 applications. Applicants who renew their driver's license within 6 months will not be accepted by the system as addresses must be verified. The Department also received over 800 applications for non-resident big game licenses which were offered via the internet for the first time this year. Next year the system will be expanded further - the goal is to provide more convenient opportunities to the public for license application.

**6. Hunter Safety Rule Amendment – Final.** Don Childress, FWP Wildlife Division Administrator, said the Administrative Rule has become inconsistent with the wording of the statute as a result of 2003 legislative action. This amendment would provide consistency. Currently the rule requires residents under the age of 18 to provide a Montana hunter safety card as proof of completion of a hunter safety course to be eligible to purchase a hunting license or to enter special drawings.

HB396 required any person born after January 1, 1985 to provide a certificate of completion from a hunter safety and education course before the person may be issued a Montana hunting license. The statute also provides that proof of completion of a hunter safety course or education may also be accepted from any other state or province. Childress said no comments were received during the public comment period.

*Action: Mulligan moved and Lane seconded the motion to amend ARM 12.3.120 to read “a person born after January 1, 1985 must provide proof of completion of a hunter safety course as required by 87-2-105, MCA to apply for a hunting license or special drawing” to provide consistency between the statute and the Administrative Rule. Motion carried.*

**7. Teton Spring Creek Petition to Withdraw from Preserve – Informational. Don Childress, FWP Wildlife Division Administrator,** said Dr. Bill Patton requested withdrawal of his land from the Preserve near the end of the process last year when the Saylor and Van Settens requested their withdrawal, however as it was so close to completion of the process, FWP deferred Patton’s request so as not to complicate the MEPA process causing further delay for the Saylor and Van Settens. Childress suggested using the commission meeting as a public comment forum for the Patton request.

Walker asked if there are any personal issues involved, and Mulligan asked if the changes already made will take effect this hunting season. There are no personal issues involved that Childress is aware of, and the changes will take effect this season. Murphy asked if there are any additional landowners who may request withdrawal as well. Childress replied that neighboring landowners will be contacted.

*Action: Lane moved and Murphy seconded the motion to accept this petition and instruct the Department to use the rule making process to accommodate Dr. Patton’s request to withdraw from the Teton-Spring Creek Preserve. Motion carried.*

Mulligan asked how many preserves are still in existence, and if it would be probable for the Department to take global action on them. Childress replied there are a half dozen or so left, and that to take a single action on them all would entail a major process. Childress said there are some legislative preserves, but the majority fall under Commission action. The Department will review the current status and report back to the Commission.

**8. Wolf EIS Record of Decision (ROD) Amendment – Endorsement. Don Childress, FWP Wildlife Division Administrator** explained that the Department is requesting an amendment to the Record of Decision (ROD) that the Commission concurred upon in September of 2003. At that time, the Commission approved Alternative #2 due to awareness that delisting and management by the State could be delayed indefinitely. The final Environmental Impact Statement considered five alternative approaches that captured the philosophical spectrum of the public’s values, opinions and beliefs. A contingency plan was developed to allow Montana to implement as much of Alternative 2 as permitted by federal regulations. This amendment to initiate Alternative 5 will allow the Department to gain management experience by assuming a roll in the wolf management process in the interim of delisting. MEPA documentation has already occurred.

Approval of this amendment would merely provide a paper trail relative to the Department assuming management of wolves through monitoring and interaction with landowners. This amendment does not allow the Department to move forward with trapping or hunting seasons. The Department is still bound by the rules of the USFWS.

Walker said that this ROD does not reflect that it was signed with the concurrence of the Commission. Childress explained that it is reflected through the formal minutes of the Commission meeting. Peterman also pointed out that the last sentence of the ROD reads “concurred by the FWP Commission in action....”.

Mulligan stated he had asked Hagener for confirmation that the Wolf Council has been contacted about this amendment and that they are in support of it. Hagener affirmed that this was the case. Childress concurred that all of the Wolf Council members had been contacted. The Council wants to move as far as possible with the process toward delisting.

Walker asked if there is a need to show the Department’s intention to revert back to Alternative 2 once the USFWS acts. His question was if the Commission amends the ROD to Alternative 5, then delisting takes place, will the Commission need to pass yet another amendment to revert back to Alternative 2? Childress said it would not be necessary – that this paper trail would identify that this would be the case. Bob Lane, FWP Legal Counsel, agreed that the Department is indeed covered, that this alternative is for the interim period only, however an additional amendment to the ROD would provide further documentation to complete the paper trail.

*Action: Walker moved and Mulligan seconded the motion to amend the Record of Decision for the Wolf Environmental Statement to reflect the selection of Alternative 5.*

*Discussion:* Murphy asked if the funding has been committed? Childress said yes, through the budget amendment process. Childress replied to Mulligan’s question regarding public notification, that press releases will be released, and other information systems utilized to provide the information to the public on this high profile issue.

Brenden said he will not support this motion due to the heavy handedness of federal government. He stated he is tired of the government dictating to the people, and it is time for Montanans to take over their own projects.

*Action on Motion: Motion carried. Four in favor – 1 opposed (Brenden).*

**9. 2004 Deer, Elk, & Antelope Quotas – Tentative. Don Childress, FWP Wildlife Division Administrator** said spring surveys have been conducted, and in many cases, numbers are at or above the long-term average. Statistics on trend areas indicate a decline over the last couple of years. Significant issues will develop as the drought continues.

PROPOSED 2004 DEER, ELK, & ANTELOPE QUOTAS ARE INCLUDED IN MAY COMMISSION FILE.

## **DEER**

### **Region 1 – Deer**

**Jim Williams, FWP Region 1 Wildlife Manager**, said 23 areas in the region were surveyed, and recruitment averaged in the 40s. He said Region 1 is comfortable with these proposed tentatives.

*Action: Murphy moved and Walker seconded the motion to approve the Region 1 tentative Deer quotas as recommended by the Department. Motion carried.*

Region 2 - Deer

**John Firebaugh, FWP Region 2 Wildlife Manager**, said the mule deer and whitetail surveys in Region 2 have been completed. Indications are that the deer are doing very well. Region 2 is not proposing any changes, as they are satisfied with current quotas.

*Action: Murphy moved and Mulligan seconded the motion to approve the Region 2 tentative Deer quotas as recommended by the Department. Motion carried.*

Region 3 – Deer

**Kurt Alt, FWP Region 3 Wildlife Manager**, said most of the recommended changes are increases, which reflects the high population of deer. The Region is analyzing the data they have gathered, and he noted there may be changes at the last hour when statistics are thoroughly assessed.

*Action: Mulligan moved and Walker seconded the motion to approve the Region 3 tentative Deer quotas as recommended by the Department.*

Discussion: Mulligan asked if the mule deer licenses will be offered over the counter if they are not sold, to which Worsch replied that yes they would be.

*Action on Motion: Motion carried.*

Region 4 – Deer

**Graham Taylor, FWP Region 4 Wildlife Manager**, said with the exception of some prairie areas, Region 4 is at or exceeds long-term averages. Some peak numbers are already taking a downturn, and it will be crucial to monitor the region. He again stressed that although the Region is still at long-term averages, the curve downward has begun.

*Action: Lane moved and Murphy seconded the motion to approve the Region 4 tentative Deer quotas as recommended by the Department. Motion carried.*

Region 5 – Deer

**Childress** said there are serious situations developing in Region 5 due to the drought; depredation issues continue to exacerbate. There are areas where densities are well below average. Mountain populations and recruitment are at the long-term average, however, prairie populations do not share in that situation.

*Action: Walker moved and Lane seconded the motion to approve the Region 5 tentative Deer quotas as recommended by the Department. Motion carried.*

Region 6 – Deer

**Pat Gunderson, FWP Region 6 Wildlife Biologist**, said numbers are continuing to do well in Region 6 in spite of the severe winter conditions experienced this last winter. They are comfortable with the proposed recommendations.

*Action: Brenden moved and Murphy seconded the motion to approve the Region 6 tentative Deer quotas as recommended by the Department. Motion carried.*

Region 7 – Deer

**John Ensign, FWP Region 7 Wildlife Manager**, said the main factor affecting the populations in Region 7 is the drought – the area is at 10% of normal moisture. He added that the harsh winter weather also affected the population. The Region's rationale is to maintain the seasons/quotas as they currently are, as they do not feel there will be sufficient vegetation to sustain higher populations.

*Action: Walker moved and Brenden seconded the motion to approve the Region 7 tentative Deer quotas as recommended by the Department. Motion carried.*

ELK

**Don Childress, FWP Wildlife Division Administrator**, said there will be changes in how the overall licenses are dealt with due to changes in the season structure.

PROPOSED 2004 DEER, ELK, & ANTELOPE QUOTAS ARE INCLUDED IN MAY COMMISSION FILE.

Region 1 – Elk

**Jim Williams, FWP Region 1 Wildlife Manager**, said the Region has just completed the tallies from their flight surveys. He noted that the elk population is down, and the calf recruitment rate has dropped significantly. Fires in the wilderness area last year impacted the populations. Harvest data will be accumulated in June. Region 1 is not recommending any changes to the current quotas.

*Action: Murphy moved and Lane seconded the motion to approve the Region 1 tentative Elk quotas as recommended by the Department. Motion carried.*

Region 2 - Elk

**John Firebaugh, FWP Region 2 Wildlife Manager**, said many districts were capped. He added that the Region is proposing a check station near Darby. The check station will be operated the entire season from 8:00 a.m. through 9:00 p.m. He said a 48-hour notice would be issued when the quota was met, as verified through the check station. Childress interjected that should closure become necessary, he feels it would require an emergency action whereby the Commission would issue a 12-hour emergency closure. This type of action would be consistent with closure procedures in other areas. Discussion ensued on the difficulties of advising the public when the quota is met and closure becomes necessary. Walker stated he wants closures to be based on counted elk and not on anticipation. Murphy said he feels a 24-hour notice should be given relative to closures.

*Action: Murphy moved and Mulligan seconded the motion to approve the Region 2 tentative Elk quotas including a 24-hour notice for closure of general antlerless elk hunting will take place once a total of 150 cow elk from HD250 have been checked through the Darby Check Station. The season will remain open for brow tined bull until the close of the general season. Hunting Districts 204, 240, 261, and 270 will be open to brow tined bull only when a quota of 250 cow elk from HD270 have been checked through the Darby Check Station. A-7 license holders and youth seasons will continue as stated in the regulations. Motion carried.*

Region 3 - Elk

**Kurt Alt, FWP Region 3 Wildlife Manager**, said the surveys of the elk in Region 3 convey that populations are high. Harvest was up this season, but there are still many elk. There has never been a check station in the Yellowstone area. In the past, the Gallatin area has had a check station open only on weekends through the general season, but there will be several check stations operational this year. Only if a hundred year storm occurs does the Region anticipate a closure. The tactic this year is to be

in the field, and remain aware of what is happening relative to harvest - if an emergency situation is impending, it can then be acted upon.

Mulligan said he feels the sportsmen in that area will want a 12-hour closure rather than an extended time period, as it will be an obvious situation calling for action. Mulligan also noted that HD318 has errors in the support data.; that further scrutiny needs to be conducted. He added that there are also landowners who are not identified.

*Action: Mulligan moved to approve the Region 3 tentative Elk quotas as recommended by the Department.*

*Discussion:* Alt said Tom Carlsen, FWP Region 3 Wildlife Biologist, will be at the Elkhorn Working Group meeting tomorrow night, and he will have more information. He said in HD313, the population has been decreasing and the Department recommends a decrease. Murphy feels HD339 could support the harvest of more elk.

*Action on Motion: Murphy seconded the motion with the amendment to increase antlerless elk tags in HD339 from 300 to 350 and bull tags either sex tags increase from 20-25. Motion carried.*

*Murphy moved to increase either sex tags in HD380 from 100 to 110. Brenden seconded. Motion carried – 3 in favor (Walker, Murphy, Brenden) – 2 opposed (Lane and Mulligan).*

Mulligan expressed frustration that the HD380 biologists are “second guessed” when they work so hard on their assessments and studies.

#### Region 4 – Elk

**Graham Taylor, FWP Region 4 Wildlife Manager**, said permits have been reduced in Region 4. HD410-00 is a large district encompassing a portion of the Missouri River Breaks. Elk numbers there have increased dramatically, and access is exceptionally good due to a combination of many types of land ownerships.

Walker asked if the CMR game range agrees with this recommendation. Taylor said conversations with them reveals that they fear for the quality of the hunt, and having asked them for a better alternative, they said they would prefer to address this situation over several years rather than so quickly. Lane questioned why the quotas have been set so low in HD455, the Beartooth Management Area, which is managed as a winter range for elk. Taylor replied that the Department is pressing forward toward wintering more elk. Walker asked Taylor to look into the possibility of providing bow hunters with the opportunity for a B-tag for antlerless elk. He wants to encourage the take of cows, and provide additional opportunities.

*Action: Lane moved and Walker seconded the motion to approve the Region 4 tentative Elk quotas as recommended by the Department. Motion carried.*

#### Region 5 – Elk

Region 5 presented 3 proposed changes to the Elk quotas.

*Action: Walker moved and Lane seconded the motion to approve the Region 5 tentative Elk quotas as recommended by the Department. Motion carried.*

Region 6 – Elk

**Pat Gunderson, Region 6 Wildlife Biologist** described the Region's proposed recommendations. Brenden recommended increasing the Department's recommendations by 5 head in HD621-00 and HD631-20.

*Action: Brenden moved and Walker seconded the motion to approve the Region 6 tentative elk quotas as recommended by the Department with the amendment to increase HD621-00 to 25 and HD631-20 to 30. Motion carried.*

Region 7 – Elk

**John Ensign, FWP Region 7 Wildlife Manager**, said the proposed changes affect the Breaks.

*Action: Walker moved and Brenden seconded the motion to approve the Region 7 tentative Elk quotas as recommended by the Department. Motion carried.*

**ANTELOPE**

PROPOSED 2004 DEER, ELK, & ANTELOPE QUOTAS ARE INCLUDED IN MAY COMMISSION FILE.

Antelope – Regions 1 - 7

No changes were proposed for the Antelope quotas. The Commissioners unanimously concurred that no motion was necessary. The current Antelope quotas remain.

**10. Public Opportunity to Address Issues Not Discussed at this Meeting.** No comments.

Meeting adjourned at 11:58 a.m.